

REMARKS

Reconsideration of this application is respectfully requested.

I. Status of the Claims

Claims 1-8 are pending. Claims 5-7 have previously been withdrawn from consideration. Claim 2 is canceled without prejudice or disclaimer, and claims 1 and 8 are amended to incorporate the limitations of canceled claim 2. Claim 4 is amended for clarification. Support for these amendments is found, for example, in the original claims. No new matter has been added.

II. Rejection Under 35 U.S.C. § 112

Claims 2 and 4 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner states that there is insufficient antecedent basis for “the roll body” in these claims. Claim 2 has been canceled and claim 4 has been amended to not recite “the roll body.” Applicants respectfully request that the rejection be withdrawn.

III Rejections Under 35 U.S.C. § 103

Claims 1, 3, 4, and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Muller (U.S. Patent No. 4,811,641) in view of Buck, Jr. (U.S. Patent No. 5,388,490).

Claims 1 and 8 have been amended to incorporate the limitation of canceled claim 2, i.e., that “a first rib is provided to project radially from the periphery of the first roll and the first cutting blade and the first abutment are formed in the first rib, and a second rib is provided to project radially from the periphery of the second roll and the second cutting blade and the second abutment are formed in the second rib.” Neither Muller nor Buck, alone or in combination, teaches this feature of amended claim 1. Therefore, claims 1 and 8 are patentable over Muller in view of Buck, Jr. Claims 3 and 4, which depend from claim 1, are patentable for at least this reason. Accordingly, Applicants submit that claims 1, 3, 4, and 8 are allowable and respectfully request that this rejection be withdrawn.

Claims 1-4 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Passafiume (U.S. Patent No. 4,279,369) in view of Yokoro et al. (U.S. Patent No. 6,370,998). The Examiner argues that “Passafiume is capable of cutting fibrous material, and is capable of only cutting partly through the material if the distance between the cutting blades is changed as taught by Yokoro.” Office Action at page 3, lines 7-9. Applicants respectfully disagree and traverse this rejection.

Passafiume discloses a resilient means 28 that engages non-resilient means 16 at a point of gripping 70 along a first transverse line of the batt. Immediately thereafter, the batt is gripped along a second transverse line 72 adjacent to the first by resilient means 26 and non-resilient means 18. The transverse lines 70, 72 are displaced with respect to one another from the plane of the batt, causing the batt to “rupture” at the gripping point. Col. 3, lines 22-40 and col. 4, lines 33-47. Passafiume “grips” and “ruptures,” or tears, the batt rather than cutting it.

If the distance between the rolls were changed as taught by Yokoro, the batt would not be cut partway through its thickness having cuts on opposite sides. Instead the batt would be stretched. Therefore, Applicants submit that Passafiume and Yokoro, alone or in combination, fail to teach or suggest the features of claims 1 and 8.

Furthermore, claims 1 and 8 require that “the first cutting blade and the second abutment . . . hold and cut the fibrous product partway through . . . one side . . . , and the first abutment and the second cutting blade . . . hold and cut the fibrous product partway through . . . the other side . . . at a location different [claim 8: displaced] from the cut made by the first cutting blade and the second abutment.” (Emphasis added.) *See, e.g.*, Fig. 5. In contrast, Passafiume shears the batt at a single point of partition by gripping the workpiece along two immediately adjacent lines and displacing the lines with respect to each other, “rupturing” the batt. *See* col. 3, lines 22-37; Figs. 3(a)-(c) of Passafiume. Passafiume does not teach that the batt is cut from opposite sides at two locations displaced from one another. Therefore, the combined teachings of Passafiume and Yokoro fail to suggest this feature, and claims 1 and 8 patentable over the prior art of record.

For at least the foregoing reasons, Applicants respectfully submit that claims 1 and 8 are patentable over Passafiume in view of Yokoro. Claims 2-4 depend from claim 1 and are patentable for at least the same reasons. Therefore, Applicants respectfully submit that claims 1-4 and 8 are allowable and request that this rejection be withdrawn.

CONCLUSION

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: March 1, 2006

Respectfully submitted,

By

Thomas J. Bean

Registration No.: 44,528

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant